

CHAPTER 3.30

WILLAMETTE RIVER GREENWAY (WRG) ZONE OVERLAY

Section 3.30.10 - PURPOSE

The Willamette River Greenway Zone is an overlay zone that coincides with the adopted Greenway boundary and applies to all development permitted by the underlying zones. The objectives of this zone and this chapter are as follows:

- a. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River;
- b. Maintain or improve air and water quality within the Greenway;
- c. Implement goals and policies of the State's Willamette River Greenway Program as required by the Oregon Revised Statutes;
- d. Implement policies of the City's Comprehensive Plan;
- e. Establish standards and requirements for the use of lands within the Willamette River Greenway in the City of Corvallis;
- f. Provide for review of any intensification of use, change of use, or development within the Greenway;
- g. Increase and maintain public access to and along the Willamette River to create urban recreational opportunities, provide linkages to other transportation corridors, and provide for multiple use of urban land; and
- h. Ensure development is consistent with floodwater flow mitigation and management of a natural resource.

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this zone, regardless of its classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Hearings, written public notice and a notice of disposition shall be mailed to the Oregon Department of Parks and Recreation. "Development" as used in this section includes change of use or intensification of land or water uses except for those activities listed as exemptions in section 3.30.30 below. "Development" also includes proposed increases in air discharges that require permit approval by the Oregon Department of Environmental Quality (DEQ).

Section 3.30.30 - EXEMPTIONS

The following development activities do not require Conditional Development approval:

- a. Customary dredging and channel maintenance conducted under permit from the State;
- b. Seasonal increases in gravel operations under permit from the State;
- c. Erosion control operations not requiring a permit from the Oregon Division of State Lands and that constitute a reasonable emergency necessary for safety or the protection of property.
- d. Scenic easements acquired under ORS 390.332 and their maintenance as authorized by that statute and ORS 390.368.
- e. Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.
- f. Flood emergency procedures and the maintenance and repair of existing flood control facilities.
- g. Signs, markers, aids, and similar items, placed by a public agency to serve the public.
- h. Residential accessory development (excluding structures), such as lawns, gardens, and play areas outside of the Riparian Management Zone, as defined in Chapter 1.6 - Definitions.
- i. Storage of equipment or material associated with permitted uses, providing it complies with applicable provisions of this Code.
- j. Minor repairs or alterations to an existing structure for which no building permit is required.
- k. A change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated.
- l. Landscaping.
- m. Construction of driveways.
- n. Maintenance and repair, usual and necessary for the continuance of an existing use.
- o. Reasonable emergency procedures necessary for the safety or protection of property.
- p. Other activities similar to those listed in "a" through "o" above. The Director shall make such determinations and provide notice in accordance with Chapter 2.16 - Request for Interpretation.

Section 3.30.40 - REVIEW CRITERIA

Conditional Development within the Willamette Greenway Zone may be approved only when the Planning Commission, after considering cumulative effects within the City's Greenway, finds that:

- a. Public access to and along the river shall be provided to the maximum extent practicable and to the extent that public access does not interfere with established uses on the property.
- b. Significant fish and wildlife habitats shall be protected.
- c. Significant natural and scenic areas, viewpoints, and vistas shall be preserved.
- d. The quality of air, water, and land resources in the Greenway shall be protected to the maximum extent practicable.
- e. Areas of annual flooding, floodplains, and wetlands shall be protected in their natural state to the maximum extent practicable to maintain their natural, physical, and biological functions.
- f. The natural vegetative fringe along the river shall be protected and enhanced to the maximum extent practicable to ensure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.
- g. Any public recreational use or facility shall not substantially interfere with established uses on adjoining property.
- h. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- i. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
- j. Development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.
- k. Development shall be sited to maximize distance from the river to the greatest extent practicable.
- l. In applying "a" through "k" above to development proposals within the Willamette River Greenway, consideration should be given to the Corvallis 2020 Vision Statement, Comprehensive Plan, Downtown Streetscape Plan, Riverfront Commemorative Park Plan, and other applicable City documents. However, where

conflicts arise, direction must be taken from the Corvallis Comprehensive Plan and this Code.

Section 3.30.50 - DEVELOPMENT STANDARDS

Proposed development within the Willamette Greenway Zone shall comply with the following standards, except as provided below.

a. Site Modifications

1. Except as provided in section 3.30.30 above, existing predominant topographical features of the bank line and escarpment shall be protected and maintained.
2. Disturbance necessary for construction or establishment of a water-related or water-dependent use, as defined in Chapter 1.6 - Definitions, and measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions may be permitted upon approval by the Director.
3. Stability shall be assured considering the stress imposed on the bank and land area between the low water mark of the river and top of the bank.
4. The hydraulic and flood carrying capacity of the river and the hydraulic effect of the river on the bank shall be considered and steps taken to ensure minimal adverse effects by and upon the proposal.
5. The applicant shall establish, to the satisfaction of the Planning Commission, that steps have been taken to minimize the effects of the proposal on the Riparian Management Zone, as defined in Chapter 1.6.
6. If applicable, the applicant shall submit certification by a registered professional engineer that the standards specified in "2" and "3" above have been met. Where necessary to properly evaluate a proposal, an applicant may be required to furnish further studies such as a soils survey and analysis, foundation study, or hydrologic study performed by competent professionals.

b. Riparian Vegetation - Vegetative ground cover and trees upon the site shall be protected, conserved, and maintained according to the following provisions:

1. Riparian vegetation removed during development shall be replaced with indigenous (native) species that are compatible with and enhance the riparian environment.
2. Trees of 8-in. or greater diameter measured at a height of 4 ft. above grade shall not be removed in the Riparian Management Zone except as follows:

- (a) Where necessary as approved by the Planning Commission to accommodate a water-related or water-dependent use; or
 - (b) Where the tree(s) are deemed hazardous by the Park and Recreation Services Manager.
 - 3. Plans for removal and replacement of riparian vegetation shall be submitted to and approved by the Director prior to any excavation, grading, or construction.
- c. **Landscaping** - In addition to any landscaping requirements in the underlying zone, the following provisions shall apply:
 - 1. All areas of the site within the WRG Zone shall be landscaped, except the following:
 - (a) Areas covered by a structure, parking, driveways or other permitted use;
 - (b) Areas requiring stabilization methods other than landscaping. Such stabilization shall be designed to not contribute to future instability of the bank, both on the site and on adjacent properties; and
 - (c) Areas maintained in natural vegetation.
 - 2. Required landscaped areas shall be continuously maintained, irrigated with permanent facilities sufficient to maintain the plant material, and covered by living plant material capable of attaining 90 percent ground coverage within three years. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
 - 3. Living plant materials shall be compatible with and enhance the riparian environment.
- d. **Structures** - All buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced to blend with the riparian environment. Surfaces shall be nonreflective.
- e. **Signs and Graphics** - In addition to compliance with applicable provisions relating to signs and graphics in Chapter 4.7 - Sign Regulations, no sign or graphic display inconsistent with the purposes of the Greenway shall have a display surface oriented toward or visible from the Willamette River.

f. Parking and Unenclosed Storage Areas

1. Parking, loading, and unenclosed storage areas located within the WRG Zone shall be screened from the river to the extent practicable in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements and Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
2. Parking, loading, and unenclosed storage areas located outside of but adjacent to the WRG Zone shall be screened from such zone to the extent practicable.

g. Greenway Setback

Minimum building setback distances from the ordinary high water line of the Willamette River as are follows:

1. Lands in the WRG Zone from the northern City limits to the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) - 20 ft. westerly from top of bank
2. Lands in the WRG Zone from the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) to Harrison Street - 50 ft.
3. Lands in the WRG Zone between Harrison Street and "B" Street, at the top of the river bank including the existing bikepath - a landscaping strip sufficient to separate the bikepath is required
4. Lands in the WRG south of "B" Street to the southerly City limits - 100 ft.

Setback distances do not apply to water-dependent uses that require a river bank location or water-related uses that require direct access to the river.